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SUPREME COURT FOR THE STATE OF ALASKA

**State of Alaska and the
Commissioner of the
Department of Health and
Social Services,**

Appellants,

v.

**Planned Parenthood of the
Great Northwest,**

Appellee.

Supreme Court No. S-16123

Trial Court No. 3AN-14-4711CI

AFFIDAVIT OF JOSHUA A. DECKER

Subject to the penalties for perjury, I, Joshua A. Decker, state:

1. I have personal knowledge of all facts in this affidavit.

2. I am licensed to practice law in Alaska and represent the

Plaintiff as one of their attorneys in this case. I am also the executive director of the ACLU of Alaska Foundation.

3. I earned my law degree from the University of Chicago in June 2006, earned my license to practice law in Tennessee in autumn 2006 and in New York in autumn 2009, and was reciprocally admitted to the Alaska Bar in January 2012. I've worked at the ACLU of Alaska Foundation since November 2011: first as its staff attorney and, since March 2014, as its executive director. Before moving to Alaska, I

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worked as a staff attorney for four years at the Legal Aid Society of Middle Tennessee and the Cumberlands and as an associate in private practice for one year at the New York City office of Clifford Chance US LLP.

4. Throughout my nearly thirteen years of practicing law, I've represented over 200 clients as first-chair in more than 100 civil trials and administrative hearings; as the lead attorney in these hundred-plus cases, I was responsible for briefing and arguing motions, to planning and executing discovery, to arguing trials and appeals. At the ACLU of Alaska Foundation, my position as executive director is analogous to a managing partner at a private law firm: I supervise the entire organization, and by managing the ACLU of Alaska Foundation's legal director, I am responsible for the work of all our lawyers.

5. In addition to representing the Plaintiff in this case, I've represented it—with many of the same lawyers, including Janet Crepps, Laura Einstein, and Susan Orlansky—both personally and through my supervision of other lawyers at the ACLU of Alaska Foundation in *Planned Parenthood of the Great Northwest v. State of Alaska*, No. 3AN-10-12279CI and *Planned Parenthood of the Great Northwest and the Hawaiian Islands v. State of Alaska*, No. 3AN-16-

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10362CI.

6. In this case, I routinely discussed Alaskan litigation practice, strategy, and tactics with my co-counsel. I am, however, not seeking any fees for my representation in this case.

7. One of the reasons why my co-counsel and I have repeatedly represented Plaintiff Planned Parenthood of the Great Northwest in lawsuits to vindicate Alaskans' constitutional right to reproductive healthcare is because there are few, if any, other lawyers in Alaska who would represent the Plaintiff in a lawsuit like this. Not only is abortion a politically fraught topic in Alaska, I do not know of any other lawyers or law firms who possess both (1) my co-counsel's deep expertise in abortion-related litigation and (2) the willingness to represent a client in four years of factually and legally complex litigation with just the contingent hope of eventually receiving an indeterminate award of attorney fees.

8. In January 2019, I moved for attorney fees in *Hunt v. Kenai Peninsula Borough*, No. 3AN-16-10652CI. To prepare for that motion, I familiarized myself with the billable rates of Anchorage attorneys, including attorneys in the Anchorage office of multistate and multinational law firms. Based on that research, I know that Anchorage litigation attorneys with more than 10 years of experience

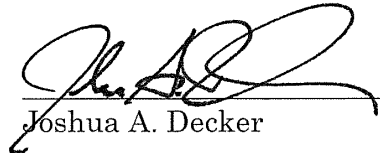
typically charge between \$375 to \$550 per hour and Anchorage litigation attorneys with 1 to 10 years of experience charge typically between \$200 to \$400 per hour. My billable rate is \$425 per hour.

9. The fees sought by the Plaintiff's attorneys are not only reasonable in the Anchorage market, they are at the low end of the Anchorage market.

10. The hours sought by the Plaintiff's attorneys are also reasonable. I have reviewed my co-counsels' billing records: the work they did was reasonable and appropriate, particularly given this case's factually and procedural complexity and that the Defendants were represented by talented counsel who vigorously defended their clients at every stage of litigation.

Because a notary public is unavailable, I certify under the penalty of perjury that the foregoing facts are true to the best of my knowledge.

Dated: April 13, 2019 at Anchorage, Alaska.


Joshua A. Decker